

Message Text

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TAGS: SHUM, MASS, XT, UK
SUBJECT: HUMAN RIGHTS OBSERVANCE REPORT

REF: (A) STATE 303340 (B) LONDON 18635

THE FOLLOWING RESPOND TO THE QUESTIONS RAISED IN REF. A.

A. WE ARE NOT AWARE OF ANY FURTHER CHARGES OR REPORTS OF VIOLATIONS INVOLVING HMG SINCE PUBLICATION OF THE REPORT ON NI. IN AN UNRELATED CASE, HOWEVER, THE PRESS REPORTS THAT FORMER CIA EMPLOYEE PHILIP AGEE INTENDS TO CHALLENGE HIS PENDING DEPORTATION (FOR ALLEGED SECURITY REASONS) FROM THE UK (REF. B) IN THE EUROPEAN COURT ON THE GROUNDS THAT IT VIOLATES HIS HUMAN RIGHTS.

B. NOT KNOWN.

C. HMG HAS CEASED DETENTION, THUS THERE ARE NO DETAINEES. THE REMAINING PRISONERS HAVE BEEN CONVICTED UNDER BRITISH CRIMINAL LAW, THOUGH THOSE CONVICTED OF TERRORIST-RELATED OFFENSES PRIOR TO MARCH 15, 1976, MAY ELECT TO HAVE "POLITICAL STATUS", WHICH EXEMPTS THEM FROM CERTAIN NORMAL PRISON REQUIREMENTS, SUCH AS WEARING UNIFORMS. AS THE ICRC, TO THE BEST OF OUR KNOWLEDGE, DOES NOT NORMALLY VISIT CONVICTED CRIMINALS AND THE INCIDENTS ADDRESSED IN THE EHR COMMISSION REPORT APPLIED TO INTERROGATION OF SUSPECTS, WE ARE NOT SURE THE QUESTION IS GERMANE. AS FAR AS WE HAVE BEEN ABLE TO DETERMINE, THE ICRC HAS NOT REQUESTED TO VISIT PRISONERS IN NI, SO THE QUESTION OF ACCESS HAS NOT ARISEN.

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D. THE IRISH EMBASSY ADVISES THAT ITS GOVERNMENT

WISHES TO HAVE THE EUROPEAN COURT DECLARE THE OFFENSES
NOTED BY THE EHR COMMISSION ILLEGAL UNDER THE EHR
DECLARATION. THE IRISH EMBASSY STRESSES THAT ITS
GOVERNMENT'S AIM IS NOT REPEAT NOT TO HAVE HMG
"CONDEMNED" FOR PRACTICES CITED BY EHR COMMISSION, BUT TO
STRENGTHEN HR LAW. OUR EMBASSY IN DUBLIN MAY BE ABLE TO
PROVIDE FURTHER INFORMATION, IF REQUIRED.

E. AS FAR AS WE ARE AWARE, THEY HAVE NOT. WE ALSO
NOTE THAT THE UK HAS TOUGH, COMPREHENSIVE ANTI-DISCRIMIN-
ATION LEGISLATION WHICH APPEARS TO BE EFFECTIVELY ENFORC-
ED AND WHICH PROVIDES REMEDIES IN CASES INVOLVING RACIAL
DISCRIMINATION. INDEED, IN MANY RESPECTS THE BRITISH LAW
IS TOUGHER THAN SIMILAR U.S. LEGISLATION. PRESUMABLY
INDIVIDUALS HAVING COMPLAINTS WOULD HAVE TO EXHAUST
LEGAL RECOURSE IN UK BEFORE TAKING CASE TO OTHER BODIES.

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